

1 149.143 (2) (a) (intro.) Prior to each plan year, the department shall estimate  
2 the operating and administrative costs of the plan and the costs of the premium  
3 reductions under s. 149.165, ~~the deductible reductions under s. 149.14 (5) (a), and~~  
4 ~~any prescription drug copayment reductions under s. 149.14 (5) (e) for the new plan~~  
5 year and do all of the following:

6 \*-0267/1.5\* SECTION 2047. 149.143 (2) (a) 1. a. of the statutes is amended to  
7 read:

8 149.143 (2) (a) 1. a. Estimate the amount of enrollee premiums that would be  
9 received in the new plan year if the enrollee premiums were set at a level sufficient,  
10 when including amounts received for premium, ~~deductible, and prescription drug~~  
11 ~~copayment~~ subsidies under s. 149.144 and from premiums collected from eligible  
12 persons with coverage under s. 149.146 set in accordance with s. 149.146 (2) (b), to  
13 cover 60% of the estimated plan costs for the new plan year.

14 \*-0578/P5.6\* SECTION 2048. 149.143 (2) (a) 2. of the statutes is amended to  
15 read:

16 149.143 (2) (a) 2. After making the determinations under subd. 1., ~~by rule~~ set  
17 premium rates for the new plan year, including the rates under s. 149.146 (2) (b), in  
18 the manner specified in sub. (1) (am) 1. and 3. and such that a rate for coverage under  
19 s. 149.14 (2) (a) is approved by the board and is not less than 140% nor more than  
20 200% of the rate that a standard risk would be charged under an individual policy  
21 providing substantially the same coverage and deductibles as are provided under the  
22 plan.

23 \*-0578/P5.7\* SECTION 2049. 149.143 (2) (a) 3. of the statutes is amended to  
24 read:

1 149.143 (2) (a) 3. ~~By rule set~~ Set the total insurer assessments under s. 149.13  
2 for the new plan year by estimating and setting the assessments at the amount  
3 necessary to equal the amounts specified in sub. (1) (am) 4. and (bm) 1. and notify  
4 the commissioner of the amount.

5 **\*-0578/P5.8\* SECTION 2050.** 149.143 (2) (a) 4. of the statutes is amended to  
6 read:

7 149.143 (2) (a) 4. ~~By the same rule as under subd. 3. adjust~~ Adjust the provider  
8 payment rate for the new plan year, subject to s. 149.142 (1) (b), by estimating and  
9 setting the rate at the level necessary to equal the amounts specified in sub. (1) (am)  
10 4. and (bm) 2. and as provided in s. 149.145.

11 **\*-0578/P5.9\* SECTION 2051.** 149.143 (2) (a) 4. of the statutes, as affected by  
12 2005 Wisconsin Act .... (this act), is amended to read:

13 149.143 (2) (a) 4. Adjust the provider payment rate for the new plan year,  
14 subject to s. 149.142 (1) (b), by estimating and setting the rate at the level necessary  
15 to equal the amounts specified in sub. (1) (am) 4. and (bm) 2. and as provided in s.  
16 149.145.

\*\*\*\*NOTE: This is reconciled s. 149.143 (2) (a) 4. This SECTION has been affected by  
drafts with the following LRB numbers: -0268 and -0578.

17 **\*-0267/1.6\* SECTION 2052.** 149.143 (2m) (a) 1. of the statutes is amended to  
18 read:

19 149.143 (2m) (a) 1. The amount of premiums received in a plan year from all  
20 eligible persons, including amounts received for premium, ~~deductible, and~~  
21 ~~prescription drug copayment~~ subsidies.

22 **\*-0267/1.7\* SECTION 2053.** 149.143 (2m) (a) 2. of the statutes is amended to  
23 read:

1           149.143 (2m) (a) 2. The amount of premiums, including amounts received for  
2           premium, deductible, and prescription drug copayment subsidies, necessary to cover  
3           60% of the plan costs for the plan year.

4           \*-0578/P5.10\* SECTION 2054. 149.143 (3) (a) of the statutes is amended to  
5           read:

6           149.143 (3) (a) If, during a plan year, the department determines that the  
7           amounts estimated to be received as a result of the rates and amount set under sub.  
8           (2) (a) 2. to 4. and any adjustments in insurer assessments and the provider payment  
9           rate under s. 149.144 will not be sufficient to cover plan costs, the department may  
10          by rule increase the premium rates set under sub. (2) (a) 2. for the remainder of the  
11          plan year, subject to s. 149.146 (2) (b) and the maximum specified in sub. (2) (a) 2.,  
12          by rule increase the assessments set under sub. (2) (a) 3. for the remainder of the plan  
13          year, subject to sub. (1) (bm) 1., and by the same rule under which assessments are  
14          increased adjust the provider payment rate set under sub. (2) (a) 4. for the remainder  
15          of the plan year, subject to sub. (1) (bm) 2. and s. 149.142 (1) (b).

16          \*-0578/P5.11\* SECTION 2055. 149.143 (3) (a) of the statutes, as affected by  
17          2005 Wisconsin Act .... (this act), is amended to read:

18          149.143 (3) (a) If, during a plan year, the department determines that the  
19          amounts estimated to be received as a result of the rates and amount set under sub.  
20          (2) (a) 2. to 4. and any adjustments in insurer assessments and the provider payment  
21          rate under s. 149.144 will not be sufficient to cover plan costs, the department may  
22          increase the premium rates set under sub. (2) (a) 2. for the remainder of the plan year,  
23          subject to s. 149.146 (2) (b) and the maximum specified in sub. (2) (a) 2., increase the  
24          assessments set under sub. (2) (a) 3. for the remainder of the plan year, subject to sub.

(1) (bm) 1., and adjust the provider payment rate set under sub. (2) (a) 4. for the remainder of the plan year, subject to sub. (1) (bm) 2. and ~~s. 149.142 (1) (b).~~

\*\*\*NOTE: This is reconciled s. 149.143 (3) (a). This SECTION has been affected by drafts with the following LRB numbers: -0268 and -0578.

**\*-0578/P5.12\* SECTION 2056.** 149.143 (3) (b) of the statutes is amended to read:

149.143 (3) (b) If the department increases premium rates and insurer assessments and adjusts the provider payment rate under par. (a) and determines that there will still be a deficit and that premium rates have been increased to the maximum extent allowable under par. (a), the department may further adjust, in equal proportions, assessments set under sub. (2) (a) 3. and the provider payment rate set under sub. (2) (a) 4., without regard to sub. (1) (bm) but ~~subject to s. 149.142 (1) (b).~~

**\*-0578/P5.13\* SECTION 2057.** 149.143 (4) of the statutes is repealed.

**\*-0578/P5.14\* SECTION 2058.** 149.143 (5) (a) of the statutes is amended to read:

149.143 (5) (a) Annually, no later than April 30, the department shall perform a reconciliation with respect to plan costs, premiums, insurer assessments, and provider payment rate adjustments based on data from the previous calendar year. On the basis of the reconciliation, the department shall make any necessary adjustments in premiums, insurer assessments, or provider payment rates, ~~subject to s. 149.142 (1) (b),~~ for the fiscal year beginning on the first July 1 after the reconciliation, as provided in sub. (2) (b).

**\*-0578/P5.15\* SECTION 2059.** 149.143 (5) (b) of the statutes is amended to read:

1           149.143 (5) (b) Except as provided in sub. (3) and s. 149.144, the department  
2 shall adjust the provider payment rates to meet the providers' specified portion of the  
3 plan costs no more than once annually, ~~subject to s. 149.142 (1) (b).~~ The department  
4 may not determine the adjustment on an individual provider basis or on the basis  
5 of provider type, but shall determine the adjustment for all providers in the  
6 aggregate, ~~subject to s. 149.142 (1) (b).~~

7           \*~~-0578/P5.16~~\* SECTION 2060. 149.144 of the statutes is amended to read:

8           **149.144 Adjustments to insurer assessments and provider payment**  
9 **rates for premium, deductible, and prescription drug copayment**  
10 **reductions.** The department shall, ~~by rule,~~ adjust in equal proportions the amount  
11 of the assessment set under s. 149.143 (2) (a) 3. and the provider payment rate set  
12 under s. 149.143 (2) (a) 4., subject to ss. 149.142 (1) (b) and 149.143 (1) (am), sufficient  
13 to reimburse the plan for premium reductions under s. 149.165, deductible  
14 reductions under s. 149.14 (5) (a), and any prescription drug copayment reductions  
15 under s. 149.14 (5) (e). The department shall notify the commissioner so that the  
16 commissioner may levy any increase in insurer assessments.

17           \*~~-0578/P5.17~~\* SECTION 2061. 149.144 of the statutes, as affected by 2005  
18 Wisconsin Act .... (this act), is amended to read:

19           **149.144 Adjustments to insurer assessments and provider payment**  
20 **rates for premium, deductible, and prescription drug copayment**  
21 **reductions.** The department shall adjust in equal proportions the amount of the  
22 assessment set under s. 149.143 (2) (a) 3. and the provider payment rate set under  
23 s. 149.143 (2) (a) 4., subject to ~~ss. 149.142 (1) (b) and s.~~ 149.143 (1) (am), sufficient  
24 to reimburse the plan for premium reductions under s. 149.165, deductible  
25 reductions under s. 149.14 (5) (a), and any prescription drug copayment reductions

1 under s. 149.14 (5) (e). The department shall notify the commissioner so that the  
2 commissioner may levy any increase in insurer assessments.

\*\*\*NOTE: This is reconciled s. 149.144. This SECTION has been affected by drafts  
with the following LRB numbers: -0268 and -0578.

3 **\*-0578/P5.18\* SECTION 2062.** 149.145 of the statutes is amended to read:

4 **149.145 Program budget.** The department, in consultation with the board,  
5 shall establish a program budget for each plan year. The program budget shall be  
6 based on the provider payment rates specified in s. 149.142 and in the most recent  
7 provider contracts that are in effect and on the funding sources specified in ss.  
8 149.143 (1) and 149.144, including the methodologies specified in ss. 149.143,  
9 149.144, and 149.146 for determining premium rates, insurer assessments, and  
10 provider payment rates. Except as otherwise provided in s. 149.143 (3) (a) and (b)  
11 ~~and subject to s. 149.142 (1) (b),~~ from the program budget the department shall derive  
12 the actual provider payment rate for a plan year that reflects the providers'  
13 proportional share of the plan costs, consistent with ss. 149.143 and 149.144. The  
14 department may not implement a program budget established under this section  
15 unless it is approved by the board.

16 **\*-0578/P5.19\* SECTION 2063.** 149.146 (2) (am) 5. of the statutes is amended  
17 to read:

18 149.146 (2) (am) 5. Subject to s. 149.14 (8) (b), the department may, ~~by rule~~  
19 ~~under s. 149.17 (4), establish for prescription drug coverage under this section~~  
20 ~~copayment amounts, coinsurance rates, and establish a 3-tiered copayment~~  
21 ~~structure for prescription drugs. The copayment and coinsurance out-of-pocket~~  
22 ~~limits limit for prescription drug coverage under this section~~ over which the plan will  
23 pay 100% of covered costs for prescription drugs. ~~Any copayment amount,~~

1     ~~coinsurance rate, or out-of-pocket limit established under this subdivision is subject~~  
2     ~~to the approval of the board under this section may be \$400. The department may~~  
3     ~~establish that only certain copayment amounts count toward the out-of-pocket~~  
4     ~~limit. Subject to s. 149.14 (8) (b), the department may change, by rule under s. 149.17~~  
5     ~~(4), the out-of-pocket limit. Using the procedure under s. 227.24, the department~~  
6     ~~may promulgate rules under this subdivision for the period before the effective date~~  
7     ~~of any permanent rules promulgated under this subdivision, but not to exceed the~~  
8     ~~period authorized under s. 227.24 (1) (c) and (2). Notwithstanding s. 227.24 (1) (a),~~  
9     ~~(2) (b), and (3), the department is not required to provide evidence that promulgating~~  
10    ~~a rule under this subdivision as an emergency rule is necessary for the preservation~~  
11    ~~of the public peace, health, safety, or welfare and is not required to make a finding~~  
12    ~~of emergency for promulgating a rule under this subdivision as an emergency rule.~~  
13    Copayments and coinsurance paid by an eligible person under this subdivision are  
14    separate from and do not count toward the deductible and covered costs not paid by  
15    the plan under subds. 1. to 3.

16           \*~~0578/P5.20~~\* **SECTION 2064.** 149.146 (2) (b) (intro.) of the statutes is amended  
17    to read:

18           149.146 (2) (b) (intro.) The schedule of premiums for coverage under this  
19    section shall be ~~promulgated by rule~~ set by the department, as provided in s. 149.143.  
20    The rates for coverage under this section shall be set such that they differ from the  
21    rates for coverage under s. 149.14 (2) (a) by the same percentage as the percentage  
22    difference between the following:

23           \*~~0319/P1.1~~\* **SECTION 2065.** 149.25 of the statutes is repealed.

24           \*~~1649/7.47~~\* **SECTION 2066.** 153.01 (2) of the statutes is amended to read:

1           153.01 (2) “Board” means the health care quality and patient safety board on  
2 health care information.

3           \***-0316/3.5\* SECTION 2067.** 153.05 (6m) of the statutes is amended to read:

4           153.05 (6m) The department may contract with the group insurance board for  
5 the provision of data collection and analysis services related to health maintenance  
6 organizations and insurance companies that provide health insurance for state  
7 employees. The department shall establish contract fees for the provision of the  
8 services. All moneys collected under this subsection shall be credited to the  
9 appropriation under s. 20.435 (4) (1) (hg).

10          \***-1649/7/6.49\* SECTION 2068.** 153.07 (5) of the statutes is created to read:

11          153.07 (5) By January 1, 2006, and at least annually thereafter, the board shall  
12 report to the governor on the plans, activities, accomplishments, and  
13 recommendations of the board.

14          \***-1649/7.50\* SECTION 2069.** 153.07 (6) of the statutes is created to read:

15          153.07 (6) The board shall annually assess the extent to which automated  
16 information and decision support systems are used by health care providers in this  
17 state.

18          \***-1649/7.51\* SECTION 2070.** 153.07 (7) of the statutes is created to read:

19          153.07 (7) The board shall annually assess options and develop a plan and  
20 specific strategies to achieve automation of all health care systems in the state by  
21 2010 or as soon as practicable.

22          \***-1649/7.52\* SECTION 2071.** 153.07 (8) of the statutes is created to read:

23          153.07 (8) The board shall administer the health care quality improvement  
24 fund.

25          \***-1649/7.53\* SECTION 2072.** 153.07 (9) of the statutes is created to read:



1           153.07 (9) The board may accept gifts, grants, bequests, and devises to be used  
2           in the execution of its functions.

3           \*–1649/7.54\* SECTION 2073. 153.076 of the statutes is created to read:

4           **153.076 Grants and loans. (1)** In this section:

5           (a) “Clinic” means a place, other than a residence, that is used primarily for the  
6           provision of nursing, medical, podiatric, dental, chiropractic, or optometric care and  
7           treatment.

8           (b) “Health maintenance organization” has the meaning given in s. 609.01 (2).

9           (c) “Hospital” has the meaning given in s. 50.33 (2).

10          (d) “Physician” has the meaning given in s. 448.01 (5).

11          **(2)** (a) From the appropriation under s. 20.505 (4) (qb), the board may make  
12          grants or loans, under procedures and criteria determined by the board, to clinics,  
13          health maintenance organizations, or other health care systems, hospitals, or  
14          physicians for any of the following projects:

15               1. Installation of computer–assisted physician order entry, electronic medical  
16               records, or other information system infrastructure, including clinical decision  
17               support systems, to improve the quality, safety, and efficiency of patient care.

18               2. Development of health information exchanges, integrated health care data  
19               repositories, and interoperable systems to facilitate the reporting of quality, safety,  
20               and efficiency information for purposes of health care system improvement or  
21               related purposes by informing consumers and health care purchasers.

22               3. Demonstration, through pilot projects, of rapid cycle improvement in quality,  
23               safety, and efficiency of care.

24               4. Facilitation of group purchases of medical technology systems by assisting  
25               health care providers in forming collaborative agreements for technology.

1 (b) Repayment of any loans made under par. (a) shall be deposited into the  
2 health care quality improvement fund.

3 \*~~0316/3.6~~\* SECTION 2074. 153.60 (1) of the statutes is amended to read:

4 153.60 (1) The department shall, by the first October 1 after the  
5 commencement of each fiscal year, estimate the total amount of expenditures under  
6 this chapter for the department and the board for that fiscal year for data collection,  
7 database development and maintenance, generation of data files and standard  
8 reports, orientation and training provided under s. 153.05 (9) (a) and maintaining  
9 the board. The department shall assess the estimated total amount for that fiscal  
10 year, less the estimated total amount to be received for purposes of administration  
11 of this chapter under s. 20.435 (4) (1) (hi) during the fiscal year, and the  
12 unencumbered balance of the amount received for purposes of administration of this  
13 chapter under s. 20.435 (4) (1) (hi) from the prior fiscal year ~~and the amount in the~~  
14 ~~appropriation account under s. 20.435 (1) (dg), 1997 stats., for the fiscal year, to~~  
15 health care providers, other than hospitals and ambulatory surgery centers, who are  
16 in a class of health care providers from whom the department collects data under this  
17 chapter in a manner specified by the department by rule. The department shall  
18 obtain approval from the board for the amounts of assessments for health care  
19 providers other than hospitals and ambulatory surgery centers. The department  
20 shall work together with the department of regulation and licensing to develop a  
21 mechanism for collecting assessments from health care providers other than  
22 hospitals and ambulatory surgery centers. No health care provider that is not a  
23 facility may be assessed under this subsection an amount that exceeds \$75 per fiscal  
24 year. All payments of assessments shall be credited to the appropriation under s.  
25 20.435 (4) (1) (hg).

1           \***-0316/3.7\* SECTION 2075.** 153.60 (3) of the statutes is amended to read:

2           153.60 (3) The department shall, by the first October 1 after the  
3 commencement of each fiscal year, estimate the total amount of expenditures  
4 required for the collection, database development and maintenance and generation  
5 of public data files and standard reports for health care plans that voluntarily agree  
6 to supply health care data under s. 153.05 (6r). The department shall assess the  
7 estimated total amount for that fiscal year to health care plans in a manner specified  
8 by the department by rule and may enter into an agreement with the office of the  
9 commissioner of insurance for collection of the assessments. Each health plan that  
10 voluntarily agrees to supply this information shall pay the assessments on or before  
11 December 1. All payments of assessments shall be deposited in the appropriation  
12 under s. 20.435 (4) (1) (hg) and may be used solely for the purposes of s. 153.05 (6r).

13           \***-0316/3.8\* SECTION 2076.** 153.65 (1) of the statutes is amended to read:

14           153.65 (1) The department may, but is not required to, provide, upon request  
15 from a person, a data compilation or a special report based on the information  
16 collected by the department. The department shall establish user fees for the  
17 provision of these compilations or reports, payable by the requester, which shall be  
18 sufficient to fund the actual necessary and direct cost of the compilation or report.  
19 All moneys collected under this subsection shall be credited to the appropriation  
20 under s. 20.435 (4) (1) (hi).

21           \***-1649/7.55\* SECTION 2077.** 153.75 (title) of the statutes is amended to read:

22           **153.75 (title) Rule making and enforcement.**

23           \***-1649/7.56\* SECTION 2078.** 153.75 (3) of the statutes is created to read:

24           153.75 (3) Notwithstanding sub. (1) (a), (b), (f), (m), (n), (o), (s), (t), and (u) and  
25 ss. 153.05 (1), (5), and (8) and 153.45, after June 30, 2007, the department may not

1 enforce rules promulgated under this chapter before July 1, 2007, relating to claims  
2 data to be submitted by physicians, to procedures for verification, review, and  
3 comment on the claims data, to adjustment of the data, and to waiver of the data  
4 submission requirement.

5 \*–1649/7.57\* SECTION 2079. 153.75 (4) of the statutes is created to read:

6 153.75 (4) Notwithstanding sub. (1) (a), (b), (f), (m), (n), (o), (q), (t), and (u), and  
7 ss. 153.05 (1), (5) and (8), 153.21, and 153.45, after the effective date of this  
8 subsection .... [revisor inserts date], the department may not enforce rules  
9 promulgated under this chapter before the effective date of this subsection ....  
10 [revisor inserts date], relating to any of the following:

11 (a) The collection, from physicians, of health care plan affiliations and updating  
12 information, hospital privileges updating information, and workforce and practice  
13 information.

14 (b) The collection, from dentists, chiropractors, and podiatrists, of workforce  
15 and practice information.

16 (c) Procedures for verification, review, and comment on the information  
17 specified under pars. (a) and (b), to adjustment of the information, and to waiver of  
18 the information collection requirement.

19 \*–1649/7.58\* SECTION 2080. 153.75 (5) of the statutes is created to read:

20 153.75 (5) After the effective date of this subsection .... [revisor inserts date],  
21 notwithstanding ss. 227.10 (1) and 227.11 (2) (a) and (d), the department may  
22 promulgate under this chapter only rules that are first approved by the health care  
23 quality and patient safety board.

24 \*–1649/7.59\* SECTION 2081. 153.76 of the statutes is amended to read:

**153.76 Rule-making by the independent review board.**

Notwithstanding s. 15.01 (1r), the independent review board may promulgate only those rules that are first reviewed and approved by the health care quality and patient safety board ~~on health care information.~~

**\*-1243/P3.94\* SECTION 2082.** 165.065 (2) of the statutes is amended to read:

165.065 (2) The assistant attorney general in charge of antitrust investigations and prosecutions ~~is to~~ shall cooperate actively with the antitrust division of the U.S. department of justice in everything that concerns monopolistic practices in Wisconsin, and also to cooperate actively with the department of agriculture, trade, and ~~consumer protection~~ rural resources in the work which this agency is carrying on ~~under s. 100.20 of the marketing law~~ with regard to monopolistic practices in the field of agriculture and with the federal trade commission on matters arising in or affecting Wisconsin which pertain to its jurisdiction.

**\*-0546/1.1\* SECTION 2083.** 165.10 of the statutes is created to read:

**165.10 Civil rights enforcement.** If any person, whether or not acting under color of law, interferes with the exercise or enjoyment by any individual of a right secured by the constitution or laws of the United States, or of a right secured by the constitution or laws of this state, the attorney general may bring an action for injunction or other appropriate equitable relief to protect the peaceable exercise or enjoyment of the right secured.

**\*-1243/P3.95\* SECTION 2084.** 165.25 (4) (ar) of the statutes is amended to read:

165.25 (4) (ar) The department of justice shall ~~furnish all legal services required by~~ represent the department of agriculture, trade, and ~~consumer protection~~ rural resources in any court action relating to the enforcement of ~~ss. 100.171,~~

100.173, 100.174, 100.175, 100.177, 100.18, 100.182, 100.20, 100.205, 100.207,  
100.209, 100.21, 100.28, 100.37, 100.42, 100.50 and 100.51 and chs. 126, 136, 344,  
704, 707, and 779 ch. 126 and ss. 100.01 to 100.025, 100.05, 100.07, 100.14, 100.183  
to 100.19, 100.201, 100.22, 100.235, 100.27, 100.285 to 100.297, 100.33 to 100.36,  
100.45, 100.47, and 100.48, together with any other services as are necessarily  
connected to the legal services.

**\*-1243/P3.96\* SECTION 2085.** 165.252 of the statutes is created to read:

**165.252 Consumer protection matters.** The department of justice shall  
administer ss. 100.15 to 100.182, 100.20, 100.205, 100.207 to 100.2095, 100.28,  
100.31, 100.37 to 100.44, 100.46, 100.50, and 100.52 and may promulgate rules to aid  
in the administration and enforcement of these sections. The department of justice  
may appear for the state in any court action relating to these sections.

**\*-1059/P2.3\* SECTION 2086.** 165.755 (1) (a) of the statutes is amended to read:

165.755 (1) (a) Except as provided in par. (b), a court shall impose under ch. 814  
a crime laboratories and drug law enforcement surcharge of \$7 ~~\$8~~ if the court  
imposes a sentence, places a person on probation, or imposes a forfeiture for a  
violation of state law or for a violation of a municipal or county ordinance.

**\*-1377/3.9\* SECTION 2087.** 165.90 (title) of the statutes is repealed.

**\*-1377/3.10\* SECTION 2088.** 165.90 (1) to (5) of the statutes are renumbered  
16.964 (7m) (a) to (e), and 16.964 (7m) (a), (b) 2. and 9., (c), (cm) (intro.), (d) (intro.),  
1. and 2. and (e) (intro.), as renumbered, are amended to read:

16.964 (7m) (a) Any county that has ~~one or more~~ a reservation of a federally  
recognized Indian ~~reservations~~ tribe within or partially within its boundaries ~~or that~~  
borders a reservation of a federally recognized Indian tribe may enter into an  
agreement in accordance with s. 59.54 (12) with ~~an Indian~~ the tribe located in the

1 county to establish a cooperative county-tribal law enforcement program. To be  
2 eligible to receive aid under this ~~section~~ subsection, a county and tribe shall develop  
3 and annually submit a joint program plan, by December 1 of the year prior to the year  
4 for which funding is sought, to the ~~department of justice~~ office for approval. If  
5 funding is sought for the 2nd or any subsequent year of the program, the county and  
6 tribe shall submit the report required under sub. (4) (b) par. (d) 2. together with the  
7 plan.

8 (b) 2. The program's need for funding under this ~~section~~ subsection and the  
9 amount of funding requested.

10 9. Any other information required by the ~~department~~ office or deemed relevant  
11 by the county and tribe submitting the plan.

12 (c) Upon request, the ~~department~~ office shall provide technical assistance to a  
13 county and tribe in formulating a joint program plan.

14 (cm) (intro.) In determining whether to approve a program plan and, if  
15 approved, how much aid the program shall receive, the ~~department~~ office shall  
16 consider the following factors:

17 (d) (intro.) If the ~~department~~ office approves a plan, the ~~department~~ office shall  
18 certify the program as eligible to receive aid under s. ~~20.455 (2) (kt)~~ 20.505 (6) (kv).  
19 Prior to January 15, of the year for which funding is sought, the ~~department~~ office  
20 shall distribute from the appropriations under s. ~~20.455 (2) (kt)~~ 20.505 (6) (kv) to each  
21 eligible program the amount necessary to implement the plan, subject to the  
22 following limitations:

23 1. A program may use funds received under s. ~~20.455 (2) (kt)~~ 20.505 (6) (kv) only  
24 for law enforcement operations.

1           2. A program shall, prior to the receipt of funds under s. ~~20.455 (2) (kt)~~ 20.505  
2           (6) (kv) for the 2nd and any subsequent year, submit a report to the ~~department~~ office  
3           regarding the performance of law enforcement activities on the reservation in the  
4           previous fiscal year.

5           (e) (intro.) Annually, on or before January 15, the ~~department~~ office shall report  
6           on the performance of cooperative county-tribal law enforcement programs  
7           receiving aid under this section subsection to each of the following:

8           \***-1377/3.11\* SECTION 2089.** 165.92 (3) (a) of the statutes is amended to read:

9           165.92 (3) (a) Unless otherwise provided in a joint program plan under s.  
10          ~~165.90 (2) 16.964 (7m)~~ (b) or an agreement between a political subdivision of this  
11          state and a tribe, the tribe that employs a tribal law enforcement officer is liable for  
12          all acts of the officer while acting within the scope of his or her employment and  
13          neither the state nor any political subdivision of the state may be held liable for any  
14          action of the officer taken under the authority of sub. (2) (a).

15          \***-1560/3.25\* SECTION 2090.** 166.03 (2) (a) 5. of the statutes is amended to read:

16          166.03 (2) (a) 5. Provide assistance to the Wisconsin wing of the civil air patrol  
17          from the appropriation under s. 20.465 (3) ~~(f)~~ (y) for the purpose of enabling the patrol  
18          to perform its assigned missions and duties as prescribed by U.S. air force  
19          regulations. Expenses eligible for assistance are aircraft acquisition and  
20          maintenance, communications equipment acquisition and maintenance and office  
21          staffing and operational expenses. The civil air patrol shall submit vouchers for  
22          expenses eligible for assistance to the division.

23          \***-1560/3.26\* SECTION 2091.** 166.215 (1) of the statutes is amended to read:

24          166.215 (1) Beginning July 1, 2001, the division shall contract with no more  
25          than 9 regional emergency response teams, one of which shall be located in La Crosse



1 County. Each regional emergency response team shall assist in the emergency  
2 response to level A releases in a region of this state designated by the division. The  
3 division shall contract with at least one regional emergency response team in each  
4 area designated under s. 166.03 (2) (b) 1. The division may only contract with a local  
5 agency, as defined in s. 166.22 (1) (c), under this subsection. A member of a regional  
6 emergency response team shall meet the standards for a hazardous materials  
7 specialist in 29 CFR 1910.120 (q) (6) (iv) and national fire protection association  
8 standards NFPA 471 and 472. Payments to regional emergency response teams  
9 under this subsection shall be made from the appropriation account under s. 20.465  
10 (3) ~~(dd)~~ (u).

11 **\*-1560/3.27\* SECTION 2092.** 166.215 (2) of the statutes is amended to read:

12 166.215 (2) The division shall reimburse a regional emergency response team  
13 for costs incurred by the team in responding to an emergency involving a level A  
14 release, or a potential level A release, if the team followed the procedures in the rules  
15 promulgated under s. 166.20 (2) (bs) 1. to determine if an emergency requiring a  
16 response existed. Reimbursement under this subsection is limited to amounts  
17 collected under sub. (3) and the amounts appropriated under s. 20.465 (3) ~~(dr)~~ (x).  
18 Reimbursement is available under s. 20.465 (3) ~~(dr)~~ (x) only if the regional emergency  
19 response team has made a good faith effort to identify the person responsible under  
20 sub. (3) and that person cannot be identified, or, if that person is identified, the team  
21 has received reimbursement from that person to the extent that the person is  
22 financially able or has determined that the person does not have adequate money or  
23 other resources to reimburse the regional emergency response team.

24 **\*-1560/3.28\* SECTION 2093.** 166.22 (3m) of the statutes is amended to read:

1           166.22 (3m) The division shall reimburse a local emergency response team for  
2 costs incurred by the team in responding to an emergency involving a hazardous  
3 substance release, or potential release, if the team followed the procedures in the  
4 rules promulgated under s. 166.20 (2) (bs) 2. to determine if an emergency requiring  
5 the team's response existed. Reimbursement under this subsection is limited to the  
6 amount appropriated under s. 20.465 (3) ~~(dr)~~ (x). Reimbursement is available under  
7 s. 20.465 (3) ~~(dr)~~ (x) only if the local emergency response team has made a good faith  
8 effort to identify the person responsible under sub. (4) and that person cannot be  
9 identified, or, if that person is identified, the team has received reimbursement from  
10 that person to the extent that the person is financially able or has determined that  
11 the person does not have adequate money or other resources to reimburse the local  
12 emergency response team.

13           \*~~0302/4.64~~\* SECTION 2094. 168.01 (2) of the statutes is amended to read:

14           168.01 (2) "Supplier" includes a person who imports, or acquires immediately  
15 upon import, petroleum products by pipeline or marine vessel from a state, territory  
16 or possession of the United States or from a foreign country into a terminal and who  
17 is registered under 26 USC 4101 for tax-free transactions in gasoline. "Supplier"  
18 also includes a person who produces in this state; or imports into a terminal or bulk  
19 plant; or acquires immediately upon import by truck, railcar or barge into a terminal;  
20 alcohol or alcohol derivative products. "Supplier" also includes a person who  
21 produces, manufactures or refines petroleum products in this state. "Supplier" also  
22 includes a person who acquires petroleum products pursuant to an industry terminal  
23 exchange agreement or by a 2-party exchange under section 4105 of the Internal  
24 Revenue Code. "Supplier" does not include a retail dealer or wholesaler who merely  
25 blends alcohol with gasoline before the sale or distribution of the product and does

1 not include a terminal operator who merely handles in a terminal petroleum  
2 products consigned to the terminal operator.

3 **\*-1255/2.1\* SECTION 2095.** 180.0122 (1) (w) of the statutes is amended to read:

4 180.0122 (1) (w) Application for certificate of withdrawal, \$40, and in case that  
5 application shows that the foreign corporation employs in this state capital in excess  
6 of the amount of capital on which a fee has previously been paid, computed as  
7 provided in s. 180.1520 (2) (f), an additional fee which, with previous payments made  
8 on account of capital employed in this state, will amount to \$2 \$3 for each \$1,000 or  
9 fraction thereof of the excess.

10 **\*-1255/2.2\* SECTION 2096.** 180.0122 (1) (y) of the statutes is amended to read:

11 180.0122 (1) (y) Annual report of a foreign corporation, \$65, and in case the  
12 annual report shows that the foreign corporation employs in this state capital in  
13 excess of the amount of capital on which a fee has previously been paid, computed  
14 as provided in s. 180.1503, an additional fee which, with previous payments made  
15 on account of capital employed in this state, will amount to \$2 \$3 for each \$1,000 or  
16 fraction thereof of the excess.

17 **\*-1510/2.31\* SECTION 2097.** 182.028 of the statutes is amended to read:

18 **182.028 School corporations.** Any corporation formed for the establishment  
19 and maintenance of schools, academies, seminaries, colleges, or universities or for  
20 the cultivation and practice of music shall have power to enact bylaws for the  
21 protection of its property, and provide fines as liquidated damages upon its members  
22 and patrons for violating the bylaws, and may collect the same in tort actions, and  
23 to prescribe and regulate the courses of instruction therein, and to confer such  
24 degrees and grant such diplomas as are usually conferred by similar institutions or  
25 as shall be appropriate to the courses of instruction prescribed, except that no

1 corporation shall operate or advertise a school that is subject to s. 45.54 38.50 (10)  
2 without complying with the requirements of s. 45.54 38.50. Any stockholder may  
3 transfer his or her stock to the corporation for its use; and if the written transfer so  
4 provides the stock shall be perpetually held by the board of directors with all the  
5 rights of a stockholder, including the right to vote.

6 \***-1786/P1.2\*** SECTION 2098. 196.219 (3m) of the statutes is created to read:

7 196.219 (3m) LATE PAYMENT CHARGES. (a) *Maximum allowed.* 1. Except as  
8 provided in subds. 2. and 3., a telecommunications utility may not impose a late  
9 payment charge on a retail consumer at a rate that exceeds \$1.50 upon \$100 for each  
10 month computed upon the declining principal balance of any amount that is not paid  
11 when due.

12 2. Except as provided in subd. 3., if the maximum late payment charge for any  
13 month that is allowed under subd. 1. is less than \$5 for that month, the  
14 telecommunications utility may impose a late payment charge that does not exceed  
15 \$5 for that month. This subdivision does not apply to residential retail consumers.

16 3. The commission may allow a telecommunications utility to impose a late  
17 payment charge at a rate that is greater than that allowed under subd. 1. or 2. if the  
18 commission determines that the greater amount is consistent with the factors  
19 specified in s. 196.03 (6).

20 (b) *Payments to commission.* 1. A telecommunications utility that imposes late  
21 payment charges that are subject to par. (a) shall pay to the commission, on a  
22 semiannual basis, 5 percent of such charges that are collected from nonresidential  
23 retail consumers.

24 2. The payments required under subd. 1. are due to the commission no later  
25 than 60 days after the conclusion of a semiannual period.

1 (c) *Commission jurisdiction.* The commission does not have jurisdiction over  
2 late payment charges except as may be necessary to enforce the requirements of this  
3 subsection.

4 **\*-1394/1.1\* SECTION 2099.** 218.0116 (1) (gr) of the statutes is created to read:  
5 218.0116 (1) (gr) Being a dealer who violates s. 218.0146 (4).

6 **\*-1394/1.2\* SECTION 2100.** 218.0146 (4) of the statutes is created to read:  
7 218.0146 (4) A motor vehicle dealer who is required to submit to the  
8 department an application for transfer of title and registration under s. 342.16 (1)  
9 (a) shall comply with the requirements of s. 342.16 (1) (am).

10 **\*-0303/4.208\* SECTION 2101.** 218.0171 (2) (cq) of the statutes is amended to  
11 read:

12 218.0171 (2) (cq) Upon payment of a refund to a consumer under par. (b) 2. b.,  
13 the manufacturer shall provide to the consumer a written statement that specifies  
14 the trade-in amount previously applied under s. 77.51 (4) (b) 3. ~~or 3m. or (15) (b) 4.~~  
15 ~~or 4m. (12m) (b) 5. or 6. or (15b) (b) 5. or 6.~~ toward the sales price of the motor vehicle  
16 having the nonconformity and the date on which the manufacturer provided the  
17 refund.

18 **\*-1219/2.14\* SECTION 2102.** 221.0903 (4) (b) of the statutes is amended to read:

19 221.0903 (4) (b) *Contracts for examination services.* The division may enter  
20 into contracts with any bank supervisory agency with concurrent jurisdiction over  
21 a state bank or an in-state branch of an out-of-state state bank to engage the  
22 services of the agency's examiners at a reasonable rate of compensation, or to provide  
23 the services of the division's examiners to the agency at a reasonable rate of  
24 compensation. Contracts entered into under this paragraph are exempt from ss.  
25 16.70 to 16.76 and, 16.767 to 16.77, and 16.78 to 16.82.

1           **\*-0578/P5.21\* SECTION 2103.** 227.01 (13) (nm) of the statutes is created to  
2 read:

3           227.01 (13) (nm) Sets or adjusts premium rates, insurer assessments, or  
4 provider payment rates under ch. 149.

5           **\*-0335/2.15\* SECTION 2104.** 227.01 (13) (zL) of the statutes is created to read:  
6           227.01 (13) (zL) Relates to the trial jobs plus pilot project under s. 49.147 (3)  
7 (d).

8           **\*-0335/2.16\* SECTION 2105.** 227.01 (13) (zL) of the statutes, as created by 2005  
9 Wisconsin Act .... (this act), is repealed.

10           **\*-0955/10.9\* SECTION 2106.** 230.08 (2) (e) 1. of the statutes is amended to read:  
11           230.08 (2) (e) 1. Administration — ~~13~~ 14.

12           **\*-1826/1.1\* SECTION 2107.** 230.08 (2) (e) 5m. of the statutes is amended to  
13 read:

14           230.08 (2) (e) 5m. Historical society — ~~6~~ 5.

15           **\*-0955/10.10\* SECTION 2108.** 230.08 (2) (eg) of the statutes is created to read:  
16           230.08 (2) (eg) A general counsel position in each of the following agencies:

- 17           1. Department of administration.
- 18           2. Department of agriculture, trade, and rural resources.
- 19           3. Department of commerce.
- 20           4. Department of corrections.
- 21           5. Department of financial institutions.
- 22           6. Department of health and family services.
- 23           7. Department of natural resources.
- 24           8. Department of regulation and licensing.
- 25           9. Department of revenue.

1 10. Department of transportation.

2 11. Department of workforce development.

3 12. Office of the commissioner of insurance.

4 \*-0745/2.4\* SECTION 2109. 230.08 (2) (x) of the statutes is amended to read:

5 230.08 (2) (x) The executive director of the waste facility siting board, unless  
6 the board chooses to appoint the executive director under the classified service.

7 \*-0282/1.2\* SECTION 2110. 230.12 (7m) of the statutes is amended to read:

8 230.12 (7m) PAY ADJUSTMENT FILING REQUIREMENTS. Except as provided in the  
9 rules of the director and in the compensation plan, pay increases shall be made only  
10 on the dates prescribed under sub. (8). Appointing authorities shall at such times  
11 each year as specified by the ~~secretary~~ director file with the director and with the  
12 secretary of administration a list of employees showing their then existing pay rates  
13 and their proposed new pay rates.

14 \*-0648/1.2\* SECTION 2111. 230.45 (3) of the statutes is amended to read:

15 230.45 (3) The commission shall promulgate rules establishing a schedule of  
16 filing fees to be paid by any person who files an appeal under sub. (1) (c) or (e) or s.  
17 230.44 (1) (a) or (b) with the commission on or after the effective date of the rules  
18 promulgated under this subsection. Fees paid under this subsection shall be  
19 ~~deposited in the general fund as general purpose revenue – earned~~ credited to the  
20 appropriation account under s. 20.425 (1) (i).

21 \*-1300/1.1\* SECTION 2112. 230.85 (3) (b) of the statutes is amended to read:

22 230.85 (3) (b) If, after hearing, the division of equal rights finds that the  
23 respondent did not engage in or threaten a retaliatory action it shall order the  
24 complaint dismissed. The division of equal rights shall order the employee's  
25 appointing authority to insert a copy of the findings and orders into the employee's

1 personnel file and, if the respondent is a natural person, order the respondent's  
2 appointing authority to insert such a copy into the respondent's personnel file. If the  
3 division of equal rights finds by unanimous vote that the employee filed a frivolous  
4 complaint it may order payment of the respondent's reasonable actual attorney fees  
5 and actual costs. Payment may be assessed against either the employee or the  
6 employee's attorney, or assessed so that the employee and the employee's attorney  
7 each pay a portion. To find a complaint frivolous the division of equal rights must  
8 find that either s. 814.025 (3) (a) or (b) applies or that both s. 814.025 (3) (a) and (b)  
9 apply.

10 \*–1300/1.2\* SECTION 2113. 230.89 (1) of the statutes is renumbered 230.89.

11 \*–1300/1.3\* SECTION 2114. 230.89 (2) of the statutes is repealed.

12 \*–0404/4.115\* SECTION 2115. 231.01 (3m) (a) of the statutes is amended to  
13 read:

14 231.01 (3m) (a) Holds a license under s. 48.65 49.98, is certified under s. 48.651  
15 49.156, is provisionally licensed under s. 48.69 49.99, or is established or contracted  
16 for under s. 120.13 (14).

17 \*–1649/7.60\* SECTION 2116. 231.03 (intro.) of the statutes is amended to read:

18 **231.03 Powers.** (intro.) The authority has all the powers necessary or  
19 convenient to carry out and effectuate the purposes and provisions of this chapter.  
20 In addition to all other powers granted by this chapter, subject to s. 231.035 the  
21 authority may:

22 \*–1649/7.61\* SECTION 2117. 231.035 of the statutes is created to read:

23 **231.035 Health care quality and patient safety board approval.**

24 Beginning on the effective date of this section .... [revisor inserts date], the authority  
25 may not provide any financial assistance to a health facility, hospital, or



progress information systems  
1 participating health institution unless the health facility, hospital, or participating  
2 health institution demonstrates to the health care quality and patient safety board  
3 that it is making ~~efforts~~ to improve medical technology.

4 \*-0774/P4.6\* SECTION 2118. 234.01 (4n) (a) 3m. e. of the statutes is amended  
5 to read:

6 234.01 (4n) (a) 3m. e. The facility is located in a targeted area, as determined  
7 by the authority after considering the factors set out in s. 560.605 (2m) (a) to (h)  
8 560.605 (2m) (c), 2003 stats., s. 560.605 (2m) (d), 2003 stats., s. 560.605 (2m) (e), 2003  
9 stats., and s. 560.605 (2m) (a), (b), and (f) to (h).

10 \*-1363/1.8\* SECTION 2119. 237.15 of the statutes is repealed.

11 \*-0347/2.4\* SECTION 2120. 250.041 (1) (a) of the statutes is repealed.

12 \*-0347/2.5\* SECTION 2121. 250.05 (title) of the statutes is renumbered 440.70  
13 (title).

14 \*-0347/2.6\* SECTION 2122. 250.05 (1) of the statutes is renumbered 440.70 (1).

15 \*-0347/2.7\* SECTION 2123. 250.05 (2) of the statutes is renumbered 440.70 (2).

16 \*-0347/2.8\* SECTION 2124. 250.05 (3) of the statutes is renumbered 440.70 (3)  
17 and amended to read:

18 440.70 (3) SANITARIANS; EMPLOYMENT OR CONTRACTUAL SERVICES. Any agency of  
19 the state may employ or contract for the services of sanitarians, registered under this  
20 section, who shall enforce the public health statutes under chs. 250 to 255 or rules  
21 promulgated under those statutes.

22 \*-0347/2.9\* SECTION 2125. 250.05 (5) of the statutes is renumbered 440.70 (5)  
23 and amended to read:

24 440.70 (5) REGISTRATION. Except as provided in sub. (8m) and s. 250.041 s.  
25 440.12 or 440.13, the department, upon application on forms prescribed by it and

1 payment of the prescribed fee, shall register as a sanitarian any person who has  
2 presented evidence satisfactory to the department that standards and qualifications  
3 of the department, as established by rule, have been met.

4 \***-0347/2.10\* SECTION 2126.** 250.05 (6) of the statutes is renumbered 440.70  
5 (6) and amended to read:

6 440.70 (6) FEES: RENEWAL OF REGISTRATION; DELINQUENCY AND REINSTATEMENT. ~~A~~  
7 ~~fee fixed by rule of the department shall accompany the application under sub. (5)~~  
8 ~~and, beginning January 1, 1988, a biennial fee of \$25 shall be paid by every~~  
9 ~~registered sanitarian who desires to continue registration. The amounts of the fees~~  
10 ~~may be adjusted by the department by rule. All certificates of registration shall~~  
11 ~~expire on December 31 in each odd-numbered year. Except as provided in sub. (8m)~~  
12 ~~and s. 250.041, the department may renew registrations upon application made after~~  
13 ~~January 1 of each even-numbered year if it is satisfied that the applicant has good~~  
14 ~~cause for not making application in December of the immediately preceding year and~~  
15 ~~upon payment of the biennial fee and any additional fees prescribed by the~~  
16 ~~department).~~

17 \***-0347/2.11\* SECTION 2127.** 250.05 (7) of the statutes is renumbered 440.70  
18 (7).

19 \***-0347/2.12\* SECTION 2128.** 250.05 (8) of the statutes is renumbered 440.70  
20 (8) and amended to read:

21 440.70 (8) REVOCATION OF REGISTRATION. The department may, after a hearing  
22 held in conformance with ch. 227, ~~except as provided in sub. (8m)(e), revoke or, deny,~~  
23 ~~suspend, or limit~~ under this section subchapter the registration of any sanitarian,  
24 or reprimand the sanitarian, for practice of fraud or deceit in obtaining the

1 registration or any gross ~~professional negligence~~ unprofessional conduct,  
2 incompetence, or ~~misconduct~~ professional negligence.

3 \*-0347/2.13\* SECTION 2129. 250.05 (8m) of the statutes is repealed.

4 \*-0347/2.14\* SECTION 2130. 250.05 (9) of the statutes is repealed.

5 \*-0317/2.2\* SECTION 2131. 250.10 of the statutes is renumbered 250.10 (intro.)

6 and amended to read:

7 **250.10 Grant Grants for dental and oral health services.** (intro.) From  
8 the appropriation under s. 20.435 (5) (de), the:

9 (1) The department shall provide funding in each fiscal year to the Marquette  
10 University School of Dentistry for clinical education of Marquette University School  
11 of Dentistry students through the provision of dental services by the students and  
12 faculty of the Marquette University School of Dentistry in underserved areas and to  
13 underserved populations in the state, as determined by the department in  
14 conjunction with the Marquette University School of Dentistry; to inmates of  
15 correctional centers in Milwaukee County; and in clinics in the city of Milwaukee.  
16 ~~Beginning July 1, 2000, the,~~

17 (2) The department shall also distribute in each fiscal year to qualified  
18 applicants grants totaling \$25,000 for fluoride supplements, \$25,000 for a fluoride  
19 mouth-rinse program, and \$60,000 \$120,000 for a school-based dental sealant  
20 program.

21 \*-0317/2.3\* SECTION 2132. 250.10 (3) of the statutes is created to read:

22 250.10 (3) The department may provide funding to technical college district  
23 boards to provide oral health services.

24 \*-1987/1\* SECTION 2133. 252.12 (2) (a) 8. of the statutes is amended to read:

1           252.12 (2) (a) 8. 'Life care and early intervention services.' The department  
2 shall award not more than ~~\$1,994,900~~ \$2,569,900 in fiscal year ~~2001-02~~ 2005-06 and  
3 ~~not more than \$2,069,900~~ in each fiscal year thereafter in grants to applying  
4 organizations for the provision of needs assessments; assistance in procuring  
5 financial, medical, legal, social and pastoral services; counseling and therapy;  
6 homecare services and supplies; advocacy; and case management services. These  
7 services shall include early intervention services. The department shall also award  
8 not more than \$74,000 in each year from the appropriation under s. 20.435 (7) (md)  
9 for the services under this subdivision. The state share of payment for case  
10 management services that are provided under s. 49.45 (25) (be) to recipients of  
11 medical assistance shall be paid from the appropriation under s. 20.435 (5) (am).

12           \***-0315/2.1\* SECTION 2134.** 254.15 (1) of the statutes is amended to read:

13           254.15 (1) Develop and implement a comprehensive statewide lead poisoning  
14 or lead exposure prevention and treatment program that includes lead poisoning or  
15 lead exposure prevention grants under s. 254.151; any childhood lead poisoning  
16 screening requirement under rules promulgated under ss. 254.158 and 254.162; any  
17 requirements regarding care coordination and follow-up for children with lead  
18 poisoning or lead exposure required under rules promulgated under s. 254.164;  
19 departmental responses to reports of lead poisoning or lead exposure under s.  
20 254.166; any lead investigation requirements under rules promulgated under ss.  
21 254.167; any lead inspection requirements under rules promulgated under 254.168;  
22 any lead hazard reduction requirements under rules promulgated under s. 254.172;  
23 certification, accreditation and approval requirements under ss. 254.176 and  
24 254.178; any certification requirements and procedures under rules promulgated  
25 under s. 254.179; and any fees imposed under s. 254.181.

1           \*~~0404/4.116~~\* SECTION 2135. 254.162 (1) (c) of the statutes is amended to read:

2           254.162 (1) (c) Day care providers certified under s. 48.651 49.156 and day care  
3           centers licensed under s. 48.65 49.98, provisionally licensed under s. 48.65 49.99, or  
4           established or contracted for under s. 120.13 (14).

5           \*~~0315/2.2~~\* SECTION 2136. 254.166 (title) of the statutes is amended to read:

6           254.166 (title) ~~Departmental response~~ Response to reports of lead  
7           poisoning or lead exposure.

8           \*~~0315/2.3~~\* SECTION 2137. 254.166 (2) (d) of the statutes is amended to read:

9           254.166 (2) (d) Notify the owner of the dwelling or premises of the presence of  
10          a lead hazard. The

11          (2m) If the department determines that a lead hazard is present in any  
12          dwelling or premises, the local health department shall and the department may  
13          issue an order that requires reduction or elimination of an imminent lead hazard  
14          within 5 days after the order's issuance and reduction or elimination of other lead  
15          hazards within 30 days after the order's issuance, except that, for orders that are  
16          issued between October 1 and May 1 and that relate only to exterior lead hazards  
17          that are not imminent lead hazards, the order may require elimination or reduction  
18          of the lead hazard no earlier than the June 1 immediately following the order's  
19          issuance. If the ~~department~~ agency that issued the order determines that the owner  
20          has good cause for not complying with the order within the 5-day or 30-day time  
21          period, ~~the department~~ the agency may extend the time period within which the  
22          owner is required to comply with the order. The failure to comply with ~~the~~  
23          department's an order within the time prescribed or as extended by ~~the department~~  
24          shall be prima facie evidence of negligence in any action brought to recover damages  
25          for injuries incurred after the time period expires. If an order to conduct lead hazard

1 reduction is issued by the department or by a local health department and if the  
2 owner of the dwelling or premises complies with that order, there is a rebuttable  
3 presumption that the owner of the dwelling or premises has exercised reasonable  
4 care with respect to lead poisoning or lead exposure caused, after the order has been  
5 complied with, by lead hazards covered by the order, except that with respect to  
6 interim control activities the rebuttable presumption continues only for the period  
7 for which the interim control activity is reasonably expected to reduce or eliminate  
8 the lead hazard.

9       \*~~0315/2.4~~\* **SECTION 2138.** 254.166 (2) (e) of the statutes is renumbered  
10 254.166 (2r) and amended to read:

11       254.166 (2r) ~~If an order is issued under par. (d),~~ The department may conduct  
12 or require a certified lead risk assessor or other person certified under s. 254.176 to  
13 conduct a lead investigation, a check of work completed, and dust tests for the  
14 presence of hazardous levels of lead to ensure compliance with ~~the an~~ an order issued  
15 under sub. (2m).

16       \*~~0404/4.117~~\* **SECTION 2139.** 254.168 (4) of the statutes is amended to read:

17       254.168 (4) A day care provider certified under s. ~~48.651~~ 49.156.

18       \*~~0404/4.118~~\* **SECTION 2140.** 254.168 (5) of the statutes is amended to read:

19       254.168 (5) A day care center licensed under s. ~~48.65~~ 49.98, provisionally  
20 licensed under s. ~~48.65~~ 49.99, or established or contracted for under s. 120.13 (14).

21       \*~~0315/2.5~~\* **SECTION 2141.** 254.171 of the statutes is repealed.

22       \*~~0315/2.6~~\* **SECTION 2142.** 254.173 (3) (c) 1. of the statutes, as affected by 1999  
23 Wisconsin Act 113, is amended to read:

24       254.173 (3) (c) 1. The owner receives an order under s. 254.166 (2)-(d) (2m) and  
25 fails to comply with the order.

1           **\*-0315/2.7\* SECTION 2143.** 254.179 (1) (c) 2. (intro.) of the statutes is amended  
2 to read:

3           254.179 (1) (c) 2. (intro.) The standards limiting the length of validity of a  
4 certificate of lead-safe status, including the condition of a premises, dwelling, or unit  
5 of a dwelling, the type of lead hazard reduction activity that was performed, if any,  
6 and any other requirements that must be met to maintain certification, unless the  
7 certificate is earlier revoked because of erroneous issuance or because the premises,  
8 dwelling, or unit of the dwelling is not safe from lead-bearing paint hazards. The  
9 rules shall specify that the face of the certificate shall indicate the certificate's length  
10 of validity. ~~The rules shall further specify that applications for certificates of~~  
11 ~~lead-safe status for identical premises may be made only as follows:~~

12           **\*-0315/2.8\* SECTION 2144.** 254.179 (1) (c) 2. a., b. and c. of the statutes are  
13 repealed.

14           **\*-1598/7.78\* SECTION 2145.** 254.911 (1) of the statutes is amended to read:

15           254.911 (1) "Cigarette" has the meaning given in s. 139.30 ~~(1)~~ (1m).

16           **\*-0060/1.1\* SECTION 2146.** 255.06 (2) (intro.) of the statutes is amended to  
17 read:

18           255.06 (2) WELL-WOMAN PROGRAM. (intro.) From the appropriation under s.  
19 20.435 (5) (cb), the department shall administer a well-woman program to provide  
20 reimbursement for health care screenings, referrals, follow-ups, case management,  
21 and patient education provided to low-income, underinsured, and uninsured  
22 women. Reimbursement to service providers under this section shall be at the rate  
23 of reimbursement for identical services provided under medicare, except that, if  
24 projected costs under this section exceed the amounts appropriated under s. 20.435  
25 (5) (cb), the department shall modify services or reimbursement accordingly. Within

1 this limitation, the department shall implement the well-woman program to do all  
2 of the following:

3       \*~~0060/1.2~~\* **SECTION 2147.** 255.06 (2) (a) (intro.) of the statutes is renumbered  
4 255.06 (2) (a) and amended to read:

5       255.06 (2) (a) *Breast cancer screening services.* Provide not more than \$422,600  
6 in each fiscal year as reimbursement for the provision of breast cancer screening  
7 services to women who are aged 40 years or older and whose income does not exceed  
8 250 percent of the poverty line, by a hospital or organization that has a  
9 mammography unit available for use and that is selected by the department under  
10 procedures established by the department. ~~Recipients of services under this~~  
11 ~~paragraph are subject to a copayment, payable to the service provider, for which the~~  
12 ~~department shall reduce reimbursement to the service provider, as follows: The~~  
13 department shall reduce reimbursement for a service provided under this paragraph  
14 by the amount of any applicable 3rd-party coverage.

15       \*~~0060/1.3~~\* **SECTION 2148.** 255.06 (2) (a) 1. to 3. of the statutes are repealed.

16       \*~~0060/1.4~~\* **SECTION 2149.** 255.06 (2) (e) of the statutes is amended to read:

17       255.06 (2) (e) *Health care screening, referral, follow-up, case management, and*  
18 *patient education.* Reimburse service providers for the provision of health care  
19 screening, referral, follow-up, case management, and patient education to  
20 low-income, underinsured, and uninsured women.

21       \*~~0469/1.3~~\* **SECTION 2150.** 281.22 (2) (c) of the statutes is repealed.

22       \*~~1330/1.1~~\* **SECTION 2151.** 281.58 (1) (cg) of the statutes is amended to read:

23       281.58 (1) (cg) “Market interest rate” ~~means the interest at the effective rate~~  
24 ~~of a revenue obligation issued by the state to fund a project loan or a portion of a~~



1 ~~project loan under the clean water fund program~~ has the meaning given in s. 281.59  
2 (1) (b).

3 **\*-0460/1.1\* SECTION 2152.** 281.58 (2m) (e) of the statutes is amended to read:

4 281.58 (2m) (e) Inspect periodically clean water fund project construction to  
5 determine project compliance with construction plans and specifications approved  
6 by the department and the requirements of this section and s. 281.59 and, if  
7 applicable, of 33 USC 1251 to 1376 and 33 USC 1381 to 1387 and the regulations  
8 promulgated thereunder.

9 **\*-0460/1.2\* SECTION 2153.** 281.58 (9) (ae) of the statutes is amended to read:

10 281.58 (9) (ae) A municipality that submits an application under par. (a)  
11 without design plans and specifications may obtain an initial determination of  
12 financial eligibility from the department of administration. The department of  
13 natural resources may not approve a municipality's application until the  
14 municipality submits approvable design plans and specifications.

15 **\*-0460/1.3\* SECTION 2154.** 281.58 (15) (a) (intro.) and 1. of the statutes are  
16 consolidated, renumbered 281.58 (15) (a) and amended to read:

17 281.58 (15) (a) The department and the department of administration may, at  
18 the request of a municipality, issue a notice of financial assistance commitment to the  
19 municipality after all of the following occur: 1. ~~The~~ the department approves the  
20 municipality's application under sub. (9m) (a) and the department of administration  
21 has allocated subsidy for the municipality's project.

22 **\*-0460/1.4\* SECTION 2155.** 281.58 (15) (a) 2. of the statutes is repealed.

23 **\*-1330/1.2\* SECTION 2156.** 281.59 (1) (b) of the statutes is amended to read:

24 281.59 (1) (b) "Market interest rate" means the ~~interest at the effective~~ interest  
25 ~~rate of a~~ on a fixed-rate revenue obligation issued by the state to fund a loan ~~or a~~

1 ~~portion of a loan for a project under the clean water fund program made under this~~  
2 ~~section or, for a variable rate obligation, the effective interest rate that the~~  
3 ~~department of administration determines would have been paid if the variable rate~~  
4 ~~obligation had been sold at a fixed rate.~~

5       \*~~0462/1.3~~\* **SECTION 2157.** 281.59 (3e) (b) 1. and 3. of the statutes are amended  
6 to read:

7       281.59 (3e) (b) 1. Equal to \$90,000,000 \$136,600,000 during the 2003–05  
8 2005–07 biennium.

9       3. Equal to \$1,000 for any biennium after the 2003–05 2005–07 biennium.

10       \*~~0462/1.4~~\* **SECTION 2158.** 281.59 (3m) (b) 1. and 2. of the statutes are  
11 amended to read:

12       281.59 (3m) (b) 1. Equal to \$4,000,000 \$3,300,000 during the 2003–05 2005–07  
13 biennium.

14       2. Equal to \$1,000 for any biennium after the 2003–05 2005–07 biennium.

15       \*~~0462/1.5~~\* **SECTION 2159.** 281.59 (3s) (b) 1. and 2. of the statutes are amended  
16 to read:

17       281.59 (3s) (b) 1. Equal to \$12,800,000 \$13,500,000 during the 2003–05  
18 2005–07 biennium.

19       2. Equal to \$1,000 for any biennium after the 2003–05 2005–07 biennium.

20       \*~~1330/1.3~~\* **SECTION 2160.** 281.61 (1) (b) of the statutes is amended to read:  
21 281.61 (1) (b) “Market interest rate” means ~~the interest at the effective rate of~~  
22 ~~a revenue obligation issued by this state to fund a loan or portion of a loan for a clean~~  
23 ~~water fund program project under s. 281.58~~ has the meaning given in s. 281.59 (1)  
24 (b).

25       \*~~0458/2.2~~\* **SECTION 2161.** 281.75 (title) of the statutes is amended to read:

1           **281.75 (title) Compensation for well contamination and abandonment.**

2           **\*-0458/2.3\* SECTION 2162.** 281.75 (1) (h) of the statutes is amended to read:

3           281.75 (1) (h) “Well,” if not followed by the words, “subject to abandonment,”  
4 means an excavation or opening in the ground made by boring, drilling or driving for  
5 the purpose of obtaining a supply of groundwater. “Well” does not include dug wells.

6           **\*-0458/2.4\* SECTION 2163.** 281.75 (1) (i) of the statutes is created to read:

7           281.75 (1) (i) “Well subject to abandonment” means a well that is required to  
8 be abandoned under s. NR 812.26 (2) (a), Wis. Adm. Code, or that the department  
9 may require to be abandoned under s. NR 812.26 (2) (b), Wis. Adm. Code.

10          **\*-0458/2.5\* SECTION 2164.** 281.75 (2) (e) of the statutes is created to read:

11          281.75 (2) (e) Establish requirements for the filling and sealing of wells subject  
12 to abandonment.

13          **\*-0458/2.6\* SECTION 2165.** 281.75 (3) (a) of the statutes is renumbered 281.75

14 (3) and amended to read:

15          281.75 (3) ~~WELLS FOR WHICH A CLAIM MAY BE SUBMITTED; SUNSET DATE.~~ A claim  
16 may be submitted for a private water supply which, at the time of submitting the  
17 claim, is contaminated or for a well subject to abandonment.

18          **\*-0458/2.7\* SECTION 2166.** 281.75 (3) (b) of the statutes is repealed.

19          **\*-0458/2.8\* SECTION 2167.** 281.75 (4) (a) of the statutes is amended to read:

20          281.75 (4) (a) Except as provided under par. (b), a landowner or lessee of  
21 property on which is located a contaminated private water supply or a well subject  
22 to abandonment, or the spouse, dependent, heir, assign or legal representative of the  
23 landowner or lessee, may submit a claim under this section.

24          **\*-0458/2.9\* SECTION 2168.** 281.75 (4m) (a) of the statutes is amended to read:

1           281.75 (4m) (a) In order to be eligible for an award under this section, the  
2           annual family income of the landowner or lessee of property on which is located a  
3           contaminated water supply or a well subject to abandonment may not exceed  
4           \$65,000.

5           \*-0458/2.10\* SECTION 2169. 281.75 (5) (b) 1. of the statutes is amended to read:

6           281.75 (5) (b) 1. Test results which show that the private water supply is  
7           contaminated, as defined under sub. (1) (b) 1. or 2., ~~or~~ information to show that the  
8           private water supply is contaminated as defined under sub. (1) (b) 3., or information  
9           to show that the well is a well subject to abandonment;

10          \*-0458/2.11\* SECTION 2170. 281.75 (5) (b) 2. of the statutes is amended to read:

11          281.75 (5) (b) 2. Any If the claim is based on a contaminated private water  
12          supply, any information available to the claimant regarding possible sources of  
13          contamination of the private water supply; and

14          \*-0458/2.12\* SECTION 2171. 281.75 (5) (d) 1. of the statutes is amended to read:

15          281.75 (5) (d) 1. Enter the property where the private water supply or well  
16          subject to abandonment is located during normal business hours and conduct any  
17          investigations or tests necessary to verify the claim; and

18          \*-0458/2.13\* SECTION 2172. 281.75 (5) (d) 2. of the statutes is amended to read:

19          281.75 (5) (d) 2. ~~Cooperate~~ If the claim is based on a contaminated private  
20          water supply, cooperate with the state in any administrative, civil or criminal action  
21          involving a person or activity alleged to have caused the private water supply to  
22          become contaminated.

23          \*-0458/2.14\* SECTION 2173. 281.75 (5) (e) of the statutes is amended to read:

1           281.75 (5) (e) The department shall consolidate claims if more than one  
2           claimant submits a claim for the same private water supply or for the same well  
3           subject to abandonment.

4           **\*-0458/2.15\* SECTION 2174.** 281.75 (7) (a) of the statutes is amended to read:

5           281.75 (7) (a) If the department finds that the claimant meets all the  
6           requirements of this section and rules promulgated under this section and that the  
7           private water supply is contaminated or that the well is a well subject to  
8           abandonment, the department shall issue an award. The award may not pay more  
9           than 75% of the eligible costs. The award may not pay any portion of eligible costs  
10          in excess of \$12,000.

11          **\*-0458/2.16\* SECTION 2175.** 281.75 (7) (c) 1. of the statutes is amended to read:

12          281.75 (7) (c) 1. ~~The~~ If the claim is based on a contaminated private water  
13          supply, the cost of obtaining an alternate water supply;

14          **\*-0458/2.17\* SECTION 2176.** 281.75 (7) (c) 2. (intro.) of the statutes is amended  
15          to read:

16          281.75 (7) (c) 2. (intro.) ~~The~~ If the claim is based on a contaminated private  
17          water supply, the cost of any one of the following:

18          **\*-0458/2.18\* SECTION 2177.** 281.75 (7) (c) 3. of the statutes is amended to read:

19          281.75 (7) (c) 3. The cost of abandoning a contaminated private water supply,  
20          if a new private water supply is constructed ~~or~~, if connection to a public or private  
21          water supply is provided, or if the claim is based on a well subject to abandonment;

22          **\*-0458/2.19\* SECTION 2178.** 281.75 (7) (c) 4. of the statutes is amended to read:

23          281.75 (7) (c) 4. The cost of obtaining 2 tests to show that the private water  
24          supply was contaminated if the claim is based on a contaminated private water  
25          supply and the cost of those tests was originally paid by the claimant;

1           \***-0458/2.20\*** SECTION 2179. 281.75 (7) (c) 5. of the statutes is amended to read:

2           281.75 (7) (c) 5. ~~Purchasing~~ The cost of purchasing and installing a pump, if  
3           the claim is based on a contaminated private water supply and a new pump is  
4           necessary for the new or reconstructed private water supply; and

5           \***-0458/2.21\*** SECTION 2180. 281.75 (7) (c) 6. of the statutes is amended to read:

6           281.75 (7) (c) 6. ~~Relocating~~ If the claim is based on a contaminated private  
7           water supply, the cost of relocating pipes, as necessary, to connect the replacement  
8           water supply to the buildings served by it.

9           \***-0458/2.22\*** SECTION 2181. 281.75 (8) (intro.) of the statutes is renumbered  
10          281.75 (8) and amended to read:

11          281.75 (8) COPAYMENT. The department shall require a payment ~~by the~~  
12          ~~claimant equal to the total of the following: copayment of \$250 unless the claim is~~  
13          solely for well abandonment.

14          \***-0458/2.23\*** SECTION 2182. 281.75 (8) (a) and (b) of the statutes are repealed.

15          \***-0458/2.24\*** SECTION 2183. 281.75 (11) (a) 4. of the statutes is amended to  
16          read:

17          281.75 (11) (a) 4. ~~One~~ If the claim is based on a contaminated private water  
18          supply, one or more of the contaminants upon which the claim is based was  
19          introduced into the well through the plumbing connected to the well.

20          \***-0458/2.25\*** SECTION 2184. 281.75 (11) (a) 5. of the statutes is amended to  
21          read:

22          281.75 (11) (a) 5. ~~One~~ If the claim is based on a contaminated private water  
23          supply, one or more of the contaminants upon which the claim is based was  
24          introduced into the well intentionally by a claimant or a person who would be directly  
25          benefited by payment of the claim.

1           \***-0458/2.26\* SECTION 2185.** 281.75 (11) (a) 6. of the statutes is amended to  
2 read:

3           281.75 (11) (a) 6. All If the claim is based on a contaminated private water  
4 supply, all of the contaminants upon which the claim is based are naturally occurring  
5 substances and the concentration of the contaminants in water produced by the well  
6 does not significantly exceed the background concentration of the contaminants in  
7 groundwater at that location.

8           \***-0458/2.27\* SECTION 2186.** 281.75 (11) (a) 7. of the statutes is amended to  
9 read:

10          281.75 (11) (a) 7. Except as provided in sub. (14), an award has been made  
11 under this section within the previous 10 years for the parcel of land where the  
12 private water supply is located and the claim is based on a contaminated private  
13 water supply.

14          \***-0458/2.28\* SECTION 2187.** 281.75 (11) (a) 8. of the statutes is amended to  
15 read:

16          281.75 (11) (a) 8. A If the claim is based on a contaminated private water supply,  
17 the contaminated private water supply is a residential water supply, is contaminated  
18 by bacteria or nitrates or both, and is not contaminated by any other substance.

19          \***-0458/2.29\* SECTION 2188.** 281.75 (11) (a) 9. of the statutes is amended to  
20 read:

21          281.75 (11) (a) 9. A If the claim is based on a contaminated private water supply,  
22 the contaminated private water supply is a livestock water supply, is contaminated  
23 by bacteria, and is not contaminated by any other substance.

24          \***-0458/2.30\* SECTION 2189.** 281.75 (11) (b) (title) of the statutes is amended  
25 to read:

1 281.75 (11) (b) (title) *Limits on awards for contaminated wells; purposes.*

2 \*-0458/2.31\* SECTION 2190. 281.75 (11) (d) (title) of the statutes is amended  
3 to read:

4 281.75 (11) (d) (title) *Limits on awards for contaminated wells; amount.*

5 \*-0458/2.32\* SECTION 2191. 281.75 (17) (a) of the statutes is amended to read:

6 281.75 (17) (a) A claim based on a contaminated private water supply may be  
7 submitted irrespective of the time when the contamination is or could have been  
8 discovered in the private water supply. A claim may be submitted for contamination  
9 which commenced before May 11, 1984, and continues at the time a claim is  
10 submitted under this section.

11 \*-1360/2.3\* SECTION 2192. 285.01 (17m) of the statutes is created to read:

12 285.01 (17m) “Entire facility” means all stationary sources that are under the  
13 control of one person or under the control of persons who are under common control  
14 and that are located on contiguous properties.

15 \*-1360/2.4\* SECTION 2193. 285.69 (1d) of the statutes is created to read:

16 285.69 (1d) REQUEST FOR WAIVER OF CONSTRUCTION PERMIT REQUIREMENT. An  
17 owner or operator that requests a waiver under s. 285.60 (5m) of the requirement to  
18 obtain a construction permit shall pay to the department a fee of \$300.

19 \*-1360/2.5\* SECTION 2194. 285.69 (1g) of the statutes is created to read:

20 285.69 (1g) ANNUAL FEES FOR OPERATION PERMIT EXEMPTION. The owner or  
21 operator of a stationary source that is exempt from the requirement to obtain an  
22 operation permit under s. 285.62 shall pay to the department a fee of \$300 per year  
23 if the stationary source had actual emissions of a regulated pollutant in excess of 3  
24 tons in the preceding year.

5 \*-1360/2.6\* SECTION 2195. 285.69 (2) (title) of the statutes is amended to read:



1           285.69 (2) (title) FEES FOR PERSONS REQUIRED TO HAVE OPERATION PERMITS UNDER  
2           FEDERAL LAW.

3           \***-1360/2.7\* SECTION 2196.** 285.69 (2) (a) (intro.) of the statutes is amended to  
4           read:

5           285.69 (2) (a) (intro.) The department shall promulgate rules for the payment  
6           and collection of fees by the owner or operator of a stationary source for which an  
7           operation permit is required under the federal clean air act. The rules shall provide  
8           all of the following:

9           \***-1360/2.8\* SECTION 2197.** 285.69 (2m) of the statutes is created to read:

10          285.69 (2m) FEES FOR PERSONS REQUIRED TO HAVE OPERATION PERMITS UNDER STATE  
11          LAW. (a) *Registration operation permits.* The owner or operator of an entire facility  
12          for which an operation permit is required under s. 285.60 but not under the federal  
13          clean air act shall pay to the department a fee of \$1,500 per year if the entire facility  
14          was covered by a registration operation permit under s. 285.60 (2g) in the preceding  
15          year.

16          (b) *General operation permits.* The owner or operator of an entire facility for  
17          which an operation permit is required under s. 285.60 but not under the federal clean  
18          air act shall pay to the department a fee of \$1,500 per year if the entire facility was  
19          covered by a general operation permit under s. 285.60 (3) in the preceding year.

20          (c) *Operation permits for other sources.* The owner or operator of an entire  
21          facility for which an operation permit is required under s. 285.60 but not under the  
22          federal clean air act shall pay to the department a fee of \$3,000 per year if the entire  
23          facility was not covered by a registration operation permit under s. 285.60 (2g) or by  
24          a general operation permit under s. 285.60 (3) in the preceding year.

(d) *Use of fees.* The fees collected under this subsection and sub. (1g) shall be credited to the appropriation account under s. 20.370 (2) (bh) for the following purposes as they relate to stationary sources for which an operation permit is required under s. 285.60 but not under the federal clean air act:

1. The costs of reviewing and acting on applications for operation permits; implementing and enforcing operation permits except for court costs or other costs associated with an enforcement action; monitoring emissions and ambient air quality; preparing rules and materials to assist persons who are subject to the operation permit program; ambient air quality modeling; preparing and maintaining emission inventories; and any other direct and indirect costs of the operation permit program.

2. Costs of any other activities related to stationary sources of air contaminants.

**\*-1362/1.2\* SECTION 2198.** 287.26 of the statutes is created to read:

**287.26 Business waste reduction and recycling assistance.** The department may contract with a nonprofit organization for services to assist businesses to reduce the amount of solid waste generated or to reuse or recycle solid waste. The department may not provide more than \$500,000 annually under a contract under this section.

**\*-1612/3.1\* SECTION 2199.** 289.645 (4) (e) of the statutes is created to read:

289.645 (4) (e) 1. Subject to subd. 2., the recycling fee does not apply to waste material that is acquired during the normal course of recycling operations by a person that makes paper or paperboard from wastepaper, if the waste material cannot be used to make paper or paperboard.

1           2. The maximum weight of waste material to which the exemption in subd. 1.  
2 applies in a year is 5 percent of the weight of all waste material from the facility at  
3 which the person makes paper or paperboard from wastepaper that is disposed of in  
4 that year.

5           \*~~0774/P4.7~~\* **SECTION 2200.** 292.11 (7) (d) 1m. b. of the statutes is amended  
6 to read:

7           292.11 (7) (d) 1m. b. An area designated by the local governmental unit if the  
8 area consists of 2 or more properties affected by a contiguous region of groundwater  
9 contamination or contains 2 or more properties that are brownfields, as defined in  
10 s. ~~560.60 (1v)~~ 560.13 (1) (a).

11           \*~~0774/P4.8~~\* **SECTION 2201.** 292.255 of the statutes is amended to read:

12           **292.255 Report on brownfield efforts.** The department of natural  
13 resources, the department of administration, and the department of commerce shall  
14 submit a report evaluating the effectiveness of this state's efforts to remedy the  
15 contamination of, and to redevelop, brownfields, as defined in s. ~~560.60 (1v)~~ 560.13  
16 (1) (a).

17           \*~~0455/1.2~~\* **SECTION 2202.** 292.57 (2) (b) of the statutes is amended to read:

18           292.57 (2) (b) Any moneys collected under this subsection shall be credited to  
19 the appropriation account under s. 20.370 (2) (~~mi~~) (dh).

20           \*~~0461/2.2~~\* **SECTION 2203.** 299.19 of the statutes is created to read:

21           **299.19 Processing electronic information.** The department may  
22 promulgate rules specifying fees to cover the costs of electronically receiving and  
23 providing information under the programs in chs. 280 to 299 through agreements  
24 authorizing the electronic receipt and provision of information, as provided in ss.

1 137.13, 137.15, and 137.25. The department shall consult with persons regulated  
2 under chs. 280 to 299 concerning rules under this section.

3 \***-1513/4.20\* SECTION 2204.** 301.235 (2) (a) (intro.) of the statutes is amended  
4 to read:

5 301.235 (2) (a) (intro.) In order to provide new buildings and to enable the  
6 construction and financing thereof, to refinance indebtedness created by a nonprofit  
7 corporation for the purpose of providing a new building or buildings or additions or  
8 improvements thereto which are located on land owned by, or owned by the state and  
9 held for, the department or on lands of the institutions under the jurisdiction of the  
10 department or owned by the nonprofit corporation, or for any one or more of those  
11 purposes, but for no other purpose unless authorized by law, the department, subject  
12 to s. 16.848, has the following powers and duties:

13 \***-1513/4.21\* SECTION 2205.** 301.235 (2) (a) 1. of the statutes is amended to  
14 read:

15 301.235 (2) (a) 1. Without limitation by reason of any other statute except s.  
16 16.848, the power to sell and to convey title in fee simple to a nonprofit corporation  
17 any land and any existing buildings thereon owned by, or owned by the state and held  
18 for, the department or any of the institutions under the jurisdiction of the  
19 department for such consideration and upon such terms and conditions as in the  
20 judgment of the secretary are in the public interest.

21 \***-1513/4.22\* SECTION 2206.** 301.24 (4) of the statutes is amended to read:

22 301.24 (4) SALES. The Except where a sale occurs under s. 16.848, the  
23 department, with the approval of the building commission, may sell and convey such  
24 lands under the jurisdiction of the department as the secretary deems to be in excess  
25 of the present or future requirements of the department for either the operation of

1 its facilities or programs, for the maintenance of buffer zones adjacent to its facilities  
2 or for other public purposes. The proceeds of the sales shall be credited to the state  
3 building trust fund.

4 **\*-1513/4.23\* SECTION 2207.** 301.24 (4m) of the statutes is amended to read:

5 301.24 (4m) CORRECTIONAL INSTITUTION PROPERTY DISPOSITION. In addition to  
6 any other requirements under this section, except where a sale occurs under s.  
7 16.848, the department may sell or otherwise transfer or dispose of the property  
8 acquired for the correctional institution under s. 46.05 (1o), 1985 stats., only if the  
9 sale, transfer or disposition is approved by the joint committee on finance. The  
10 department shall submit a plan for any such proposed sale, transfer or disposition  
11 to the committee.

12 **\*-1513/4.24\* SECTION 2208.** 301.25 of the statutes is amended to read:

13 **301.25 Sewer system at Taycheedah Correctional Institution.** The  
14 department, with the approval of the governor, may enter into an agreement  
15 containing terms, conditions and covenants approved by the building commission,  
16 to participate in the construction of a sanitary sewer system in the area adjacent to  
17 the Taycheedah Correctional Institution in the town of Taycheedah, Fond du Lac  
18 County; to connect the sewer system of the Taycheedah Correctional Institution  
19 thereto; to pay sewage disposal charges; and to grant easements or, subject to s.  
20 16.848, convey land to meet construction requirements.

21 **\*-0247/3.1\* SECTION 2209.** 301.26 (4) (d) 2. of the statutes is amended to read:

22 301.26 (4) (d) 2. Beginning on July 1, 2003 2005, and ending on June 30, 2004  
23 2006, the per person daily cost assessment to counties shall be ~~\$183~~ \$218 for care in  
24 a Type 1 secured correctional facility, as defined in s. 938.02 (19), ~~\$183~~ \$218 for care  
25 for juveniles transferred from a juvenile correctional institution under s. 51.35 (3),

1     ~~\$225~~ \$227 for care in a residential care center for children and youth, ~~\$142~~ \$170 for  
2     care in a group home for children, ~~\$47~~ \$51 for care in a foster home, ~~\$88~~ \$85 for care  
3     in a treatment foster home, ~~\$86~~ \$89 for departmental corrective sanctions services,  
4     and ~~\$25~~ \$27 for departmental aftercare services.

5           \*~~-0247/3.2~~\* SECTION 2210. 301.26 (4) (d) 3. of the statutes is amended to read:

6           301.26 (4) (d) 3. Beginning on July 1, 2004 2006, and ending on June 30, 2005  
7     2007, the per person daily cost assessment to counties shall be ~~\$187~~ \$224 for care in  
8     a Type 1 secured correctional facility, as defined in s. 938.02 (19), ~~\$187~~ \$224 for care  
9     for juveniles transferred from a juvenile correctional institution under s. 51.35 (3),  
10    ~~\$239~~ \$235 for care in a residential care center for children and youth, ~~\$149~~ \$179 for  
11    care in a group home for children, ~~\$49~~ \$54 for care in a foster home, ~~\$92~~ \$89 for care  
12    in a treatment foster home, ~~\$87~~ \$91 for departmental corrective sanctions services,  
13    and ~~\$26~~ \$27 for departmental aftercare services.

14           \*~~-0249/2.1~~\* SECTION 2211. 301.26 (7) (intro.) of the statutes is amended to  
15    read:

16           301.26 (7) ALLOCATIONS OF FUNDS. (intro.) Within the limits of the availability  
17    of federal funds and of the appropriations under s. 20.410 (3) (cd) and (ko), the  
18    department shall allocate funds for community youth and family aids for the period  
19    beginning on July 1, 2003 2005, and ending on June 30, ~~2005~~ 2007, as provided in  
20    this subsection to county departments under ss. 46.215, 46.22, and 46.23 as follows:

21           \*~~-0249/2.2~~\* SECTION 2212. 301.26 (7) (a) of the statutes is amended to read:

22           301.26 (7) (a) For community youth and family aids under this section,  
23    amounts not to exceed \$44,145,100 for the last 6 months of 2003 2005, \$88,290,200  
24    for 2004 2006, and \$44,145,100 for the first 6 months of ~~2005~~ 2007.

1           \*~~0249/2.3~~\* **SECTION 2213.** 301.26 (7) (b) (intro.) of the statutes is amended to  
2 read:

3           301.26 (7) (b) (intro.) Of the amounts specified in par. (a), the department shall  
4 allocate \$2,000,000 for the last 6 months of 2003 2005, \$4,000,000 for 2004 2006, and  
5 \$2,000,000 for the first 6 months of 2005 2007 to counties based on each of the  
6 following factors weighted equally:

7           \*~~0249/2.4~~\* **SECTION 2214.** 301.26 (7) (c) of the statutes is amended to read:

8           301.26 (7) (c) Of the amounts specified in par. (a), the department shall allocate  
9 \$1,053,200 for the last 6 months of 2003 2005, \$2,106,500 for 2004 2006, and  
10 \$1,053,300 for the first 6 months of 2005 2007 to counties based on each of the factors  
11 specified in par. (b) 1. to 3. weighted equally, except that no county may receive an  
12 allocation under this paragraph that is less than 93% nor more than 115% of the  
13 amount that the county would have received under this paragraph if the allocation  
14 had been distributed only on the basis of the factor specified in par. (b) 3.

15           \*~~0249/2.5~~\* **SECTION 2215.** 301.26 (7) (e) of the statutes is amended to read:

16           301.26 (7) (e) For emergencies related to community youth and family aids  
17 under this section, amounts not to exceed \$125,000 for the last 6 months of 2003  
18 2005, \$250,000 for 2004 2006, and \$125,000 for the first 6 months of 2005 2007. A  
19 county is eligible for payments under this paragraph only if it has a population of not  
20 more than 45,000.

21           \*~~0249/2.6~~\* **SECTION 2216.** 301.26 (7) (h) of the statutes is amended to read:

22           301.26 (7) (h) For counties that are participating in the corrective sanctions  
23 program under s. 938.533 (2), \$1,062,400 in the last 6 months of 2003 2005,  
24 \$2,124,800 in 2004 2006, and \$1,062,400 in the first 6 months of 2005 2007 for the  
25 provision of corrective sanctions services for juveniles from that county. In

1 distributing funds to counties under this paragraph, the department shall determine  
2 a county's distribution by dividing the amount allocated under this paragraph by the  
3 number of slots authorized for the program under s. 938.533 (2) and multiplying the  
4 quotient by the number of slots allocated to that county by agreement between the  
5 department and the county. The department may transfer funds among counties as  
6 necessary to distribute funds based on the number of slots allocated to each county.

7 **\*-0249/2.7\* SECTION 2217.** 301.26 (8) of the statutes is amended to read:

8 301.26 (8) ALCOHOL AND OTHER DRUG ABUSE TREATMENT. From the amount of the  
9 allocations specified in sub. (7) (a), the department shall allocate \$666,700 in the last  
10 6 months of 2003 2005, \$1,333,400 in 2004 2006, and \$666,700 in the first 6 months  
11 of 2005 2007 for alcohol and other drug abuse treatment programs.

12 **\*-1624/2.2\* SECTION 2218.** 301.263 (title) of the statutes is repealed.

13 **\*-1624/2.3\* SECTION 2219.** 301.263 (1) of the statutes is renumbered 16.964  
14 (11) (a) and amended to read:

15 16.964 (11) (a) From the appropriation under s. ~~20.410 (3) (f)~~ 20.505 (6) (f), the  
16 ~~department office~~ shall distribute \$3,750,000 in each year to counties for early  
17 intervention services for first offenders and for intensive community-based  
18 intervention services for seriously chronic offenders.

\*\*\*\*NOTE: This is reconciled s. 301.263 (1). This SECTION has been affected by drafts  
with the following LRB #s: LRB-1624/1 and LRB-1670/3.

19 **\*-1624/2.4\* SECTION 2220.** 301.263 (2) of the statutes is renumbered 16.964  
20 (11) (b) and amended to read:

21 16.964 (11) (b) To determine eligibility for a payment under sub. ~~(1)~~ par. (a), the  
22 ~~department office~~ shall require a county to submit a plan for the expenditure of that



1 payment that ensures that the county targets the programs to be funded under that  
2 payment appropriately.

\*\*\*\*NOTE: This is reconciled s. 301.263 (2). This SECTION has been affected by drafts  
with the following LRB #s: LRB-1624/1 and LRB-1670/3.

3 \*-1624/2.5\* SECTION 2221. 301.263 (3) of the statutes is renumbered 16.964  
4 (11) (c) and amended to read:

5 16.964 (11) (c) The department office shall distribute 33% of the amounts  
6 distributed under sub. (1) par. (a) based on each county's proportion of the violent  
7 Part I juvenile arrests reported statewide under the uniform crime reporting system  
8 of the office of justice assistance in the department of administration, during the  
9 most recent 2-year period for which that information is available. The department  
10 office shall distribute 33% of the amounts distributed under sub. (1) par. (a) based  
11 on each county's proportion of the number of juveniles statewide who are placed in  
12 a secured correctional facility, a secured child caring institution, or a secured group  
13 home during the most recent 2-year period for which that information is available.  
14 The department office shall distribute 34% of the amounts distributed under sub. (1)  
15 par. (a) based on each county's proportion of the total Part I juvenile arrests reported  
16 statewide under the uniform crime reporting system of the office of justice  
17 assistance, during the most recent 2-year period for which that information is  
18 available.

\*\*\*\*NOTE: This is reconciled s. 301.263 (3). This SECTION has been affected by drafts  
with the following LRB #s: LRB-1624/1 and LRB-1670/3.

19 \*-1417/P4.4\* SECTION 2222. 301.32 (1) of the statutes is amended to read:

20 301.32 (1) PROPERTY DELIVERED TO WARDEN OR SUPERINTENDENT; CREDIT AND DEBIT.  
21 All money and other property delivered to an employee of any state correctional  
22 institution for the benefit of a prisoner or resident shall be delivered to the warden

1 or superintendent, who shall enter the property upon his or her accounts to the credit  
2 of the prisoner or resident. The property may be used only under the direction and  
3 with the approval of the superintendent or warden and for the crime victim and  
4 witness assistance surcharge under s. 973.045 (4), the child abuse prevention and  
5 child mental health surcharge under s. 973.044 (4), the delinquency victim and  
6 witness assistance surcharge under s. 938.34 (8d) (c), the deoxyribonucleic acid  
7 analysis surcharge under s. 973.046 or the benefit of the prisoner or resident. If the  
8 money remains uncalled for for one year after the prisoner's or resident's death or  
9 departure from the state correctional institution, the superintendent shall deposit  
10 it in the general fund. If any prisoner or resident leaves property, other than money,  
11 uncalled for at a state correctional institution for one year, the superintendent shall  
12 sell the property and deposit the proceeds in the general fund, donate the property  
13 to a public agency or private, nonprofit organization or destroy the property. If any  
14 person satisfies the department, within 5 years after the deposit, of his or her right  
15 to the deposit, the department shall direct the department of administration to draw  
16 its warrant in favor of the claimant and it shall charge the same to the appropriation  
17 made by s. 20.913 (3) (bm).

18 \***-0251/1.2\* SECTION 2223.** 301.45 (10) of the statutes is created to read:

19 301.45 (10) The department may require a person who must register as a sex  
20 offender and who is in its custody or on probation, parole, or extended supervision  
21 to pay an annual fee to partially offset its costs in monitoring persons on probation,  
22 parole, or extended supervision. The department shall establish any such fee by rule,  
23 but the fee may not exceed \$50.

24 \***-0404/4.119\* SECTION 2224.** 301.46 (4) (a) 2. of the statutes is amended to  
25 read: